

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to FIGS. 3b and 4. This sheet replaces the original sheet including FIGS. 3b and 4. In both FIGS. 3b and 4, German nomenclature has been translated and replaced with proper English nomenclature.

REMARKS

Claims 18 through 33 are again presented for examination in the present application and remain pending upon entry of the instant amendment.

Figures 3b and 4 have been amended to replace German nomenclature with proper English nomenclature.

Claims 20 through 25 were objected to as being dependent upon a rejected base claim. However, the Office Action asserts claims 20 through 25 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Claim 20 has been amended into independent format, namely to include elements of claim 18. Thus, claim 20 is in condition for allowance. Claims 21 through 25 depend from independent claim 20 and are, therefore, also in condition for allowance. Thus, claims 26 and 27 are also allowable. Reconsideration and withdrawal of the objections to claims 20 through 25 are respectfully requested.

Claims 18, 19, 26 through 30, and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,837,069 ("Nutt").

Independent claim 18 now recites "a filling controller for controlling a filling ratio in the working chamber, and wherein the circuit is a closed circuit having a pressure-tight seal with a pressure-tight closed working fluid reservoir and the filling controller applies a static superimposed pressure on the working fluid in the working fluid reservoir (emphasis added)".

Nutt discloses that "Cavity 47...receives circulating cooling water from the engine. The unit 13 responds to temperature changes of the water coming from the engine to operate a spring-biased valve 50 which normally engages a valve inlet opening 51 in plate 46 and controls the admission of fluid into the chamber 41 through apertures 52. Water flows from the chamber 41 into the fluid coupling 14....".

It is clear, therefore, that circuit disclosed in Nutt is not "a closed circuit" as required by claim 18. In addition, Nutt does not disclose or suggest "a filling controller [that] applies a static superimposed pressure on the working fluid in the working fluid reservoir" as also required by claim 18.

Claim 18 is, therefore, in condition for allowance. Claim 19 depends from independent claim 18 and is also in condition for allowance for at least the reasons given above for claim 18. Reconsideration and withdrawal of the rejections to claims 18 and 19 are respectfully requested.

As stated above, the outstanding Office Action rejected claims 26 through 30 and 33 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,837,069 ("Nutt"). Also, claims 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nutt in view of U.S. Patent No. 6,894,883 ("Buchholz").

Claims 26 and 27 were amended to depend from allowable claim 20.

It is respectfully submitted that the outstanding Office Action has not set forth the rejections with sufficient clarity as required by 37 CFR 1.104 to meet the burdens for anticipation and/or obviousness.

The rules provide that the reasons for any rejection will be stated in an Office Action. See 37 CFR 1.104. Further, the rules provide that the pertinent part of each reference, if not apparent, must be clearly explained. Id. Moreover, and as set forth in the *Manual of Patent Examining Procedure* (MPEP), it is important to properly communicate the basis of a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. See MPEP Section 706.02(j).

The Office Action fails to address claims 28 through 33. While the Office Action addresses the system claims of claims 18 through 27, there "method claims" of claims 28 through 33 are not addressed.

Accordingly, Applicants submit that the Office Action has not properly rejected claims 28 through 33. As such, Applicants respectfully submit that it would be improper to make a following Office Action final.

In addition, claim 28 recites the criteria characterizing a method for optimizing a power supply of a cooling system. Applicants submit that Nutt does not disclose or suggest the criteria required by claim 28. For example, claim 28 recites "a torque that is transmittable by way of a clutch disposed between the driving engine and a fan control (emphasis added)".

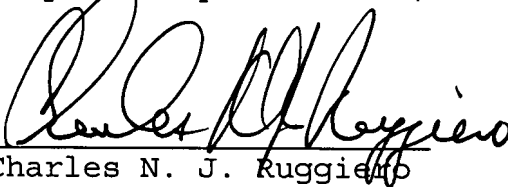
Applicants respectfully submit that Nutt does not disclose or suggest a torque that is transmittable by way of a clutch as required by claim 28. Furthermore, the Office Action does not assert that Buchholz discloses the clutch as recited by claim 28. Therefore, Nutt and Buchholz, either alone or in combination, do not disclose or suggest the elements of claim 28.

Claim 28 is, therefore, in condition for allowance. Claims 29 through 33 depend from independent claim 28 and are in condition for allowance for at least the reasons given above for claim 28. Reconsideration and withdrawal of the rejections to claims 28 through 33 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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